

REMARKS

The Office Action rejected claims 1-3, 5-23, 41-43, 45-66, 72-78, 83-85, 87-104 and 106-108 under 35 U.S.C. § 102(b) as being anticipated by Labeye et al. (US 5,612,815, hereafter “Labeye”). The Office Action rejected claims 68-70 under 35 U.S.C. § 103(a) as being unpatentable over Labeye, claims 4, 25-40, 67, 86, 71 and 109 under 35 U.S.C. § 103(a) as being unpatentable over Labeye in view of Valette et al. (US 5,078,514, hereafter “Valette”) and claims 24 and 105 under 35 U.S.C. § 103(a) as being unpatentable over Labeye in view of Laor (US 6,32,993). Applicants have amended independent claims 1, 41, 68, 72 and 83 in this response.

Specifically, independent claims 1, 41, 68, 72 and 83 have been amended to recite “wherein the first and second movable platforms are arc-shaped and move relative to the substrate.” Applicants respectfully submit that none of the cited references disclose this language of the amended claims. For instance, the Office Action, in rejecting claims 67 and 109, asserts that Valette explicitly teaches the use of arcuate platforms in Fig. 14 (Office Action dated 1/25/05, page 6). Applicants believe the Office Action was equating the partially curved region located between wall 134a and girders 142a and 142b with a movable arcuate platform, however, Applicants respectfully submit that region is not movable and is a strictly stationary region of the switch. Applicants respectfully submit that there is no movable arc-shaped platform disclosed in Fig. 14, or for that manner, anywhere in Valette. Valette only discloses movable arms, also referred to as girders, which are rectangular structures that swivel about a fixed point (as indicated by the arrows in FIG. 14) in order to provide optical switching capability.

Likewise, the remaining cited references also fail to disclose arc-shaped movable platforms. Of note, U.S. Patents 5,612,815 and 5,848,206 issued to Labeye et al. and U.S. Patent 5,828,800 issued to Henry et al. only disclose rectangular movable structures while U.S. Patent 5,278,692 issued to Delapierre fails to disclose a switch wherein the first and second movable platforms are arc-shaped.

Because the cited references fail to disclose all of the elements of amended independent claims 1, 41, 68, 72 and 83, Applicants respectfully request that the rejections to these claims be withdrawn. Accordingly, Applicants respectfully submit that independent claims 1, 41, 68, 72 and 83 are in condition for allowance. By virtue of their dependence on allowable independent

claims, Applicants respectfully submit that dependent claims 2, 4-40, 42, 44-67, 69, 71, 73, 75-78, 84 and 86-109 are likewise in condition for allowance.

If the Examiner has any questions or comments, the Examiner is invited to call the undersigned at (949) 567-6700.

Applicants believe no fee is due. However, if a fee is due, the Commissioner is authorized to charge Counsel's Deposit Account No. 150665 for the necessary fees, and is authorized to charge any additional fees that may be required and to credit any overpayments to said Deposit Account 150665.

Respectfully submitted,

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